THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25750 OF2005

DATED:2.12.2005

Between:

Laiq Ali Khan

…Petitioner

And

The Municipal Corporation of Hyderabad

Through its Commissioner, having office at

Tank Bund Road, Hyderabad.

and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25750 OF 2005

ORDER:

The petitioner obtained lease of shop in Budha Bhavan Complex of Municipal Corporation of Hyderabad (MCH), first respondent herein, on a monthly rent of Rs.4,547.50 ps. in the year 2001. He alleges that though the shop was allotted in the year 2001, the same was handed over to him only in May, 2003. The MCH has now issued a notice calling upon the petitioner to pay arrears of rent in a sum of Rs.86,412/- till November 2005. The petitioner was also informed that failure to pay arrears within seven days would result in cancellation of the lease. The said notice dt.24.11.205 is assailed in the Writ Petition.

The question whether the petitioner was not handed over the shop immediately after

allotment in the year 2001, cannot be decided in this Writ Petition. A reading of the impugned notice would show that the petitioner has not paid the arrears of rent which have accumulated in a huge sum of Rs.86,412/-. When a lessee or licensee is in arrears of rent, it is always permissible for the MCH to evict after giving notice. The impugned demand notice is a preliminary step, and it does not suffer from any vice.

The Writ Petition is devoid of merit and is accordingly dismissed.

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(V.V.S.RAO, J)

2.12.2005

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